

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NICOLAS MARTINEZ, an individual,
Plaintiff,

v.

O'REILLY AUTO ENTERPRISES LLC, a
limited liability company; AUSTIN
GILMORE, an individual; JASON
VELLIDO, an individual; and DOES 1-30,
inclusive,

Defendants.

No. 1:22-cv-01643-ADA-CDB

THEODORE HATLESTAD,
Plaintiff,

v.

O'REILLY AUTO ENTERPRISES LLC, a
limited liability company; AUSTIN
GILMORE, an individual; JASON
VELLIDO, an individual; and DOES 1-30,
inclusive,

Defendants.

No. 1:22-cv-01644-ADA-CDB

ORDER GRANTING PARTIES'
STIPULATION TO DISMISS PLAINTIFF
MARTINEZ'S FOURTH CAUSE OF
ACTION, DISMISSING DEFENDANTS
GILMORE AND VELLIDO, AND
CONSOLIDATING CASES

On January 27, 2023, the parties' stipulated to: (1) dismiss Plaintiff Nicolas Martinez's fourth cause of action for negligent hiring, training, supervision, or retention, (2) to dismiss Defendant

Austin Gilmore from the action, (3) to dismiss Defendant Jason Vellido from the action, and (4) to consolidate the following cases for all purposes:

- *Martinez v. O'Reilly Auto Enterprises LLC, et al.* (No. 1:22-cv-01643-ADA-CDB); and
- *Hatlestad v. O'Reilly Auto Enterprises LLC, et al.* (No. 1:22-cv-01644-ADA-CDB).

(See Case No. 1:22-cv-01643-ADA-CDB, ECF No. 9.) The parties stipulated the “Martinez matter” be “deemed the ‘lead’ case.” (*Id.*)

The Court grants the parties’ stipulation to dismiss Plaintiff Martinez’s fourth cause of action and to dismiss Defendant Austin Gilmore and Defendant Jason Vellido. (See Case No. 1:22-cv-01643-ADA-CDB, ECF No. 9.)

On January 19, 2023, the undersigned related and reassigned the latter-filed case. (See Case No. 1:22-cv-1644-ADA-CDB, ECF No. 9.) Pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, “[i]f actions before the court involve a common question of law or fact, the court may: (1) join for hearing or trial any or all matters at issue in the actions; (2) consolidate the actions; or (3) issue any other orders to avoid unnecessary cost or delay.” In exercising its discretion, the Court “weighs the saving of time and effort consolidation would produce against any inconvenience, delay, or expense that it would cause.” *Huene v. United States*, 743 F.2d 703, 704 (9th Cir. 1984). Here, the Court finds that the actions involve the same or similar parties, claims, and questions of fact or law and that consolidation will avoid unnecessary costs and duplication of proceedings. Thus, good cause exists to grant the parties’ stipulation to consolidate the cases.

Accordingly,

1. The parties’ stipulation (Case No. 1:22-cv-01643-ADA-CDB, ECF No. 9); dismissing Plaintiff Martinez’s fourth case of action, Defendant Austin Gilmore, and Defendant Jason Vellido, and consolidating these cases, is granted;
2. The above-referenced cases shall be consolidated for all purposes, including trial, pursuant to Rule 42(a);

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- 1 3. The Clerk of the Court is directed to file this order in each of the above-referenced cases;
2 and
3 4. Going forward, the parties and the Clerk of the Court are directed to file documents under
4 only the lead case number. Future captions should indicate the lead case number followed
5 by the member case number as follows:

6 **Lead Case: 1:22-cv-01643-ADA-CDB**

7 **Member Case: 1:22-cv-01644-ADA-CDB**

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10 IT IS SO ORDERED.

11 Dated: February 1, 2023

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UNITED STATES DISTRICT JUDGE